



MINUTES

OCONEE COUNTY COUNCIL

Regular Meeting

July 16, 2024

MEMBERS, OCONEE COUNTY COUNCIL

Mr. John Elliott, District I
Mr. Matthew Durham, Chairman, District II
Mr. Don Mize, Vice Chairman, District III
Mr. Julian Davis III, District IV
Mr. Glenn Hart, Chairman Pro Tem, District V

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members [Mr. Davis absent], County Administrator Amanda F. Brock, County Attorney David Root [via phone], & Jennifer C. Adams, Clerk to Council present.

Press: Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [www.oconeesc.com/council]. In addition, it was made available [*upon request*] to the newspapers, radio stations, television stations and concerned citizens.

Members of the press present: Andrea Kelley / The Journal, Brianna Walton / Fox Carolina News

Call to Order

Mr. Durham called the meeting to order at 6:00 p.m.

Moment of Silence

Mr. Durham asked for a moment of silence prior to the Invocation.

Invocation

Mr. David Root, County Attorney, gave the Invocation.

Pledge of Allegiance

Mr. Phil Shirley led the Pledge of Allegiance to the Flag of the United States of America.

Approval of Minutes

Mr. Elliott made a motion, seconded by Mr. Hart, approved 4 – 0, to approve the June 18, 2024 regular meeting minutes as presented.

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Attorney's Comments

Mr. Root apologized for his physical absence from the meeting, citing he is still recovering from surgery.

Administrator's Comments

None at this meeting.

Public Comment Session

If you are not able to attend in person and you have a comment, you may submit it by contacting our Clerk to Council, Jennifer C. Adams at jennifercadams@oconeesc.com or 864-718-1023, so that she may receive your comment and read it into the record.

1. Ms. Catherine Oakes addressed Council regarding her concerns over campaign signs during the recent primary election.
2. Ms. Maria Green addressed Council with her concerns regarding a Council member comment at the June 18, 2024 Council meeting.
3. Mr. Ted Bisterfeld addressed Council in support of **Ordinance 2024-18**.
4. Ms. Kathryn Bryant addressed Council regarding issues with water pressure at her home in West Union.
5. Ms. Regina Merritt addressed Council regarding issues with water pressure at her home in West Union.
6. Mr. Perry Smith addressed Council regarding the ongoing legal matter related to the \$25 million dollar bond.

Mr. Jim Mann stood and encouraged everyone to attend the June 17, 2024 hearing at 10 a.m. related to the legal matter regarding \$25 million dollar bond at the Oconee County Courthouse.

Mr. Durham asked that Mr. Mann stand down.

Council Members Comments

Mr. Elliott thanked all citizens for attending the meeting, noting that Council does the people's business and their feedback is needed as to how to spend the taxpayer's money.

Mr. Durham responded to Ms. Bryant and Ms. Merritt's concerns related to water pressure issues at their homes in West Union and instructed them to leave their contact information with Council Clerk, Mrs. Adams.

Mr. Durham then responded to Ms. Oakes and Ms. Greens concerns regarding campaign signs and recent comments made at the June 18, 2024 Council meeting and offered his apologies to Ms. Green for is misassumption.

Ms. Green proceeded to express her concerns to Mr. Durham, to which he noted that she would need to improve her conduct or be removed from the meeting.

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Public Hearing for the Following Ordinances

ORDINANCE 2024-16 AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF AD VALOREM TAXES AND SPECIAL SOURCE REVENUE CREDIT AGREEMENT, BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND SANDVIK MACHINING SOLUTIONS USA LLC, FORMERLY IDENTIFIED AS PROJECT TURN, ACTING FOR ITSELF, ONE OR MORE CURRENT OR FUTURE AFFILIATES, AND OTHER PROJECT COMPANIES (COLLECTIVELY “COMPANY”); PROVIDING FOR A FEE IN LIEU OF AD VALOREM TAXES INCENTIVE; PROVIDING FOR A SPECIAL SOURCE REVENUE CREDIT; CREATING OR MODIFYING A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK BETWEEN OCONEE COUNTY AND PICKENS COUNTY SO AS TO DESIGNATE THE PROPERTY OF THE PROJECT AS PART OF SUCH PARK; AND OTHER RELATED MATTERS.

Mr. Durham opened the floor for Public Comment.

Noting that no citizens signed up to address Council and no citizen submitted or presented any written comments for the record.

Mr. Durham closed the Public Hearing regarding **Ordinance 2024-16**.

Mr. Durham, noting that he missed reading an emailed public comment, read aloud a statement from Mr. Dustin Foxworth who expresses his support for **Ordinance 2024-18** and a statement from Mr. Gerry Yantis in support of the “Overhead to Underground Conversion” of utilities at South Cove County Park, which is on the agenda for Council consideration.

ORDINANCE 2024-18 AN ORDINANCE AMENDING CHAPTER 38 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY, REGARDING THE ESTABLISHMENT OF MINIMUM LOT SIZE AND MAXIMUM LOT DENSITY PROVISIONS FOR THE CONTROL FREE DISTRICT; AND OTHER MATTERS RELATED THERETO.

Mr. Durham opened the floor for Public Comment.

1. Mr. Watson Johnson addressed Council in support of **Ordinance 2024-18**.
2. Ms. Martha Steele addressed Council in support of **Ordinance 2024-18**.
3. Ms. Leigh Mackenzie addressed Council in support of **Ordinance 2024-18**.
4. Mr. Frank Garcia addressed Council in support of **Ordinance 2024-18**.
5. Ms. Janice Garcia addressed Council in support of **Ordinance 2024-18**.
6. Mr. Peter Botenhoff addressed Council in support of **Ordinance 2024-18**.
7. Ms. Marla Queen addressed Council in support of **Ordinance 2024-18**.
8. Ms. Mary Beth Geltz addressed Council in support of **Ordinance 2024-18**.
9. Mr. Larry Bowman addressed Council in support of **Ordinance 2024-18**.
10. Ms. Kathy Capsouto addressed Council in support of **Ordinance 2024-18**.
11. Ms. Barb Leonard addressed Council in support of **Ordinance 2024-18**.
12. Mr. Dave Emmanuel addressed Council in support of **Ordinance 2024-18**.
13. Ms. Robin MacLauchlan addressed Council in support of **Ordinance 2024-18**.

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14. Mr. Greg Barlow addressed Council in support of **Ordinance 2024-18**.
15. Mr. Paul Liepa addressed Council in support of **Ordinance 2024-18**.
16. Ms. Pattie Cason addressed Council in support of **Ordinance 2024-18**.
17. Ms. Sharon Hamilton addressed Council in support of **Ordinance 2024-18**.
18. Mr. Tom Markovick addressed Council in opposition of **Ordinance 2024-18**.
19. Mr. Ron Cilensek addressed Council in support of **Ordinance 2024-18**.
20. Mr. Robert Moore addressed Council in support of **Ordinance 2024-18**.
21. Ms. Sandra Stricker addressed Council in support of **Ordinance 2024-18**.
22. Mr. Perry Smith addressed Council in opposition of **Ordinance 2024-18**.
23. Ms. Kam Flynn addressed Council in support of **Ordinance 2024-18**.

Mr. Durham noted that 64 emails [copies filed in backup] were received in support of **Ordinance 2024-18**.

Mr. Durham then read aloud emailed comments from a Ms. Linda Shelton, Ms. Debbie Brown, Mr. Kevin Minton and Mr. Gerry Yantis all in support of **Ordinance 2024-18**.

Mr. Durham closed the Public Hearing regarding **Ordinance 2024-18**.

Third Reading of the Following Ordinances

ORDINANCE 2024-16 *[see caption above]*

Mr. Elliott made a motion, seconded by Mr. Hart, approved 4 - 0, to approve **Ordinance 2024-16** on third and final reading.

ORDINANCE 2024-18 *[see caption above]*

Mr. Elliott made a motion, seconded by Mr. Mize, to approve **Ordinance 2024-18** on third and final reading.

Mr. Durham thanked everyone for coming out and provided comments related to growth within the County and State.

Mr. Elliott added comments related to affordable housing and noted this ordinance does not affect municipalities, it only affects the unincorporated areas of the County.

Motion approved 4 – 0.

Mr. Durham paused the meeting so that those in attendance for the public hearing of **Ordinance 2024-18** could exit if they wished.

Second Reading of the Following Ordinances

ORDINANCE 2024-19 AN ORDINANCE AUTHORIZING THE CONVEYANCE OF EASEMENT RIGHTS TO DUKE ENERGY CAROLINAS, LLC FOR THE PURPOSE OF UTILITY INFRASTRUCTURE CONSTRUCTION AND MAINTENANCE AT PROPERTY OWNED BY OCONEE COUNTY IN WALHALLA, SOUTH CAROLINA, CURRENTLY DESIGNATED BY OCONEE COUNTY TAX MAP NUMBER 500-19-01-006; AND OTHER MATTERS RELATED THERETO.

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Mr. Durham recused himself from voting [recusal form filed in backup] on the second reading of **Ordinance 2024-19** and turned the meeting over to Mr. Mize.

Mr. Elliott made a motion, seconded by Mr. Hart, approved 3 - 0, to approve **Ordinance 2024-19** on second reading.

First Reading of the Following Ordinances

None for this meeting.

First & Final Reading for the Following Resolutions

RESOLUTION 2024-15 A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN EASEMENT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE ARMY / SECRETARY OF THE ARMY FOR A PUBLIC ROAD OR STREET (COOPER ROAD) LOCATED ON THE LAKE HARTWELL PROJECT; EASEMENT NO. DACW21-2-24-0018.

Mr. Elliott made a motion, seconded by Mr. Hart, approved 4 - 0, to approve **Resolution 2024-15** on first and final reading.

Discussion Regarding Action Items

Request for Council's approval for to commit matching funds, not to exceed \$10,000, and the submission of Oconee County Park Recreation and Tourism's application for the South Carolina Parks and Recreation Development (PAR) Fund grant for Seneca Creek County Park Shade Structures.

Amount: Not to exceed \$10,000.00

- The South Carolina Parks and Recreation Development (PAR) Fund is a state-funded, noncompetitive, reimbursable grant program for eligible local governments which provide recreational opportunities within each county.
- PAR is an 80-20 match grant program.
- If approved, the PAR funds will be used to add three (3) cantilever shade structures to three (3) new picnic sites at the newly constructed Seneca Creek Park. The picnic sites are fully exposed to the sun and are extremely hot during the summer season.
- Renovation at the Seneca Creek Boat Ramp were completed in 2023 with the establishment of a three-lane boat ramp, courtesy docks, a floating fishing pier, kayak launch and restrooms.
- The amount of funds requested for the PAR application is \$25,000.

Oconee County requests the commitment of the matching funds for the PAR grant from the Oconee County Parks, Recreation and Tourism Capital Projects Fund.

It is staff's recommendation that Council support the Oconee County PAR grant application and commit matching funds, up to \$10,000.00, for the Seneca Creek County Park shade structures.

Mr. Elliott made a motion, seconded by Mr. Hart, to approve the support of the Oconee County PAR grant application and commit matching funds, up to \$10,000.00, for the Seneca Creek County Park shade structures.

Mr. Mize inquired if the requested shade structures were similar to patio umbrellas.

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Mr. Phil Shirley, PRT Director, informed Mr. Mize that the requested shade structures are made of thicker steel and thicker fabric than regular patio umbrellas, noting the fabric lifespan is usually about 10-12 years.

Motion approved 4 – 0.

Procurement: ITB 23-17 **Title: Gateway Signs** **Department(s): PRT**
Amount: \$ 87,837.00
Airport Sign: \$ 6,663.20
Contingency (10%): \$ 8,783.70
Total: \$103,283.90

Project is part of the PRT Expansion Plan and Funding is from PRT Accommodations Tax (ATAX).
Budget: \$103,283.90 Project Cost: \$103,283.90 Balance: \$0.00
(Funding from Local ATAX Fund)

This Destination Oconee Signage Project involves the manufacture and placement of gateway entry signage at multiple unique spots along state highways to provide a sense of place when coming into Oconee County. The existing gateway signs are approximately 20 years old and in need of replacement and updating. PRT staff included new gateway signs for two (2) additional locations.

Bid quantities for this solicitation were estimated and allows the actual purchase quantities to be increased or reduced depending on available funding. The Airport had requested the “Welcome to Oconee” sign, located near the runway, to be replaced during this project. The cost for materials and installation for this sign is \$6,663.20.

ITB 23-17 was issued on May 21, 2024 for multiple Gateway Signs. This bid was advertised and fifteen (15) companies were notified of the bid opportunity. On June 20, 2024, formal sealed bids were opened for this project. Seven (7) companies submitted bids with Knight Sign Industries, Inc., of Tuscaloosa, AL, submitting the lowest responsive and responsible bid, in the amount of \$87,837.00. Staff is requesting a 10% contingency, in the amount of \$8,783.70, to cover any unforeseen items that may arise.

It is the staff’s recommendation that Council:

- 1. Approve the award of bid ITB 23-17 to Knight Sign Industries, Inc., of Tuscaloosa, AL, in the amount of \$87,837.00.***
- 2. Approve a 10% contingency in the amount of \$8,783.70.***
- 3. Approve the addition of the Oconee County Regional Airport “Welcome to Oconee” Sign, in the amount of \$6,663.20.***

Mr. Elliott made a motion, seconded by Mr. Hart, to (1) approve the award of bid ITB 23-17 to Knight Sign Industries, Inc., of Tuscaloosa, AL, in the amount of \$87,837.00, (2) approve a 10% contingency in the amount of \$8,783.70 and (3) approve the addition of the Oconee County Regional Airport “Welcome to Oconee” Sign, in the amount of \$6,663.20.

Mr. Elliott provided a comical comment related to signage noting you are entering Oconee County.

Mr. Hart requested that gateway entry signs into Oconee County be set back further from the road to prevent large trucks from hitting the signs as they pass.

Motion approved 4 – 0.

Title: Overhead to Underground Conversion

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Department(s): PRT – South Cove County Park

Amount: \$140,067.59

Contingency (10%): \$14,006.76

Total: \$154,074.35

Procurement was approved by Council in FY 2024-2025 budget process, in the PRT Capital Millage.

Budget: \$154,074.35 Project Cost: \$154,074.35 Balance: \$0.00

(Funding from PRT Capital Project Millage Fund)

The Overhead to Underground Conversion of Duke Energy Utilities at South Cove County Park is the first step in the expansion plan of the recreational facilities and parking. Duke Energy will Remove: Five power poles with attached equipment (guy wires, insulators, hardware, etc.), two single phase overhead transformers, one three phase overhead transformer, 800 ft of three phase overhead wire (four total runs at 800 ft a piece). Duke Energy will be Installing: Two new poles necessary to go underground with wire and attached equipment, 600 ft of three phase underground primary, 2000 ft of single phase underground primary looped back to pole from existing, splices into existing underground primary loop that services campground, 600 ft of boring, two underground transformers, one three phase transformer, reconnection of existing services currently fed from overhead.

This project is a sole source due to Duke Energy being the power supplier for South Cove Park. Duke Energy does not allow third party companies, unless directed by Duke Energy, to conduct burial or work on their power lines.

The recreational and parking expansion plan was approved by Duke and the Federal Energy Regulatory Commission (FERC) in June 2024. The plan includes two new lighted tennis courts, expansion to 12 pickleball courts and a new lake overflow parking area. All project items are currently being engineered for bid and will be brought to Council for consideration prior to the project starting. The Overhead to Underground power must be completed before projects for the recreational and parking expansion can begin.

Staff is requesting a 10% contingency to cover any unforeseen items that may arise.

It is the staff's recommendation that Council:

- 1. Approve the Overhead to Underground Power Conversion to Duke Energy, in the amount of \$140,067.59.***
- 2. Approve a 10% contingency in the amount of \$14,006.76.***

Mr. Durham recused himself from voting [recusal form filed in backup] on the above requested overhead to underground utility conversion at South Cove County Park and turned the meeting over to Mr. Mize.

Mr. Elliott made a motion, seconded by Mr. Hart, to approve the Overhead to Underground Power Conversion to Duke Energy, in the amount of \$140,067.59 and to approve a 10% contingency in the amount of \$14,006.76.

Mrs. Adams, Council Clerk, noted that she received 30 emails today in support of the above request.

Motion approved 3 - 0.

Council Committee Reports

Planning and Economic Development Committee / Mr. MizeJune 18, 2024

Mr. Mize provided information outlining discussions held at the June 18, 2024 Planning and Economic Development Committee meeting.

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Board & Commission Appointments

None for this meeting.

Executive Session

Mr. Elliott made a motion, seconded by Mr. Hart, approved 4 – 0, to enter into Executive Sessions for the following purposes, as allowed for § 30-4-70(a) of the South Carolina Code of Laws:

1. *Discussion regarding Economic Development matter, Project Cherry / Clarios.*
2. *Receive legal advice and discuss contractual matter related to Project Galt / Books for Less.*
3. *Receive legal advice and discuss opioid litigation and proposed settlement with Kroger.*
4. *Receive legal advice and discuss potential contractual / procurement issues with respect to entities related to hostile foreign governments.*

Council entered into Executive Session at 7:48 p.m.

Council returned from Executive Session at 8:13 p.m. on a motion made by Mr. Elliott, seconded by Mr. Hart, approved 4 – 0.

As requested by Mr. Root, Mr. Elliott made a motion, seconded by Mr. Hart, approved 4 – 0, to direct the County Attorney to draft a revised multi-county industrial park distribution ordinance to allow for a fee in lieu of tax distribution to the City of Westminster, with respect to Project Galt / Books for Less, in the same proportion as it would have received if the property was not in a multi-county industrial park, provided that it is revenue neutral to the County and there is no objection by the company.

As requested by Mr. Root, Mr. Elliott made a motion, seconded by Mr. Hart, approved 4 – 0, to direct County Administrator to execute all documents necessary to evidence the County's consent to adding the proposed settlement with Kroger Company to the South Carolina Opioid Settlement Allocation agreement.

First & Final Reading for the Following Resolutions

RESOLUTION 2024-14 A RESOLUTION APPROVING A TEN (10) YEAR EXTENSION OF THE PHASE TERMINATION DATE OF THE AMENDED FEE AGREEMENT BY AND BETWEEN CLARIOS, LLC (F/K/A JOHNSON CONTROLS BATTERY GROUP, INC.) AND OCONEE COUNTY, SOUTH CAROLINA, PURSUANT TO THE PROVISIONS OF SECTION 12-44-10, ET SEQ., OF THE CODE OF LAWS OF SOUTH CAROLINA.

Mr. Elliott made a motion, seconded by Mr. Hart, approved 4 - 0, to approve **Resolution 2024-14** on first and final reading.

Adjourn:

Mr. Hart made a motion, approved unanimously, to adjourn at 8:15 p.m.

Respectfully Submitted:

Jennifer C. Adams
Clerk to Council

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